IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PIL NO. 42 OF 2005

Appa Babaji Patil and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. M.A. Patil for the petitioners.
Mrs. J.S. Pawar, Additional Government Pleader, for the respondents.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.
DATE: **JUNE 22, 2005**.

P.C.

This petition has been filed by the residents of village Chinake and Yelmar Mangewadi, Tal. Sangola, Dist. Solapur. It is incorporated in the petition that the Government has provided Rs. 10 crores for the development of Sangola Taluka regarding inside plaster of the Nira Right Bank Canal (Veer and Bhatghar Dam) and incomplete works of the canal in Sangola Taluka. It is also stated that some people are opposing the said work as they are receiving more water either by percolation and by way of canal and these people are residing in the vicinity of the said canal. The petitioners have submitted that large number of people are affected and living without water.

2. Pursuant to the show cause notice issued by this Court, Executive Engineer, Nira Right Bank Canal Division, Phaltan, Dist. Satara has filed his affidavit. It is mentioned in the reply that there is no proposal to divert the funds which have been sanctioned for Sangola Branch Canal Project towards any other work. The work of Sangola Branch Canal Project of Nira Right Bank Canal is very much under progress. The cost which has been sanctioned for the project is Rs.10 crores and the work is in progress through Scarcity Relief Programme. It is mentioned that the State Government has granted extension to the Respondents for completing the work upto 30th June, 2005. It is also mentioned in the affidavit that people residing in Chikmahud and Mahud area are resisting the aforesaid work which has resulted in slow progress of the completion of the work. It is also mentioned in the affidavit that despite all this, the respondents are trying their level best to complete the project before the stipulated time as per the planning and requirement of the project.

3. Mrs. Jyoti Pawar, the learned Additional Government Pleader appearing for the respondents, submits that the only reason

which has resulted in slow progress of the completion of work is because of the resistance of the people in the vicinity. She further submits that police protection be provided to the Officers and workers so that they are able to carry out the project without any hindrance.

4. On consideration of the totality of the facts and circumstances, we deem it appropriate to direct the Superintendent of Police, Sholapur, to provide police protection to the Officers and workers carrying out this project. We direct the State to ensure that project is completed as early as possible.

5. In view of what has been stated in the preceding paragraphs, no further directions are necessary in this PIL and this PIL is accordingly disposed of. However, liberty is granted to the petitioners to approach the Court in case the project is unduly delayed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.